

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WINSTON & STRAWN LLP,

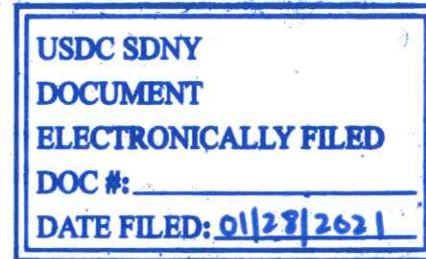
Plaintiff,

vs.

MID-ATLANTIC ARENA, LLC and
ESG ENTERPRISES, INC.,

Defendants.

Civil Action No. 18-cv-11430-CM



**CONSENT ORDER RE-COMMENCING ACTION
AND SETTING CASE SCHEDULE**

Plaintiff Winston & Strawn LLP (“Winston”) together with defendants Mid-Atlantic Arena, LLC (“MAA”) and ESG Enterprises, Inc. hereby stipulate and agree as follows:

WHEREAS, on January 16, 2018, MAA filed an action (the “Virginia Beach Litigation”) in the Circuit Court for the City of Virginia Beach;

WHEREAS, as previously reported to the Court, the parties reached an agreement in principle with respect to the above-captioned matter that would be informed by the resolution of the Virginia Beach Litigation;

WHEREAS, on April 8, 2019, the Court issued an order (ECF No. 20) holding the above-captioned matter “in abeyance pending completion of trial in the Virginia Beach Litigation and the conclusion of any post-trial proceedings therein”;

WHEREAS, on May 28, 2020, the Supreme Court of Virginia affirmed the April 2019 decision in the Virginia Beach Litigation in favor of the city of Virginia Beach and against MAA. *See Mid-Atlantic Arena, LLC v. City of Va. Beach*, No. 191020, 2020 Va. Unpub. LEXIS 16, 2020 WL 2780000 (Va. May 28, 2020);

WHEREAS, the resolution of the Virginia Beach Litigation did not resolve the issues in the above-captioned matter;

WHEREAS, the parties did not reach a settlement following the resolution of the Virginia Beach Litigation;

WHEREAS, the Court's order holding this matter in abeyance noted that "[d]epending on the outcome of those proceedings, Plaintiff may either cause the New York Litigation to be dismissed with prejudice or choose to re-commence this action";

WHEREAS, the parties now wish to re-commence the above-captioned matter; and

WHEREAS, the parties, by and through their undersigned counsel, have agreed to the entry by this Court of this Consent Order Re-Commencing Action and Setting Case Schedule, and the parties having requested that the Court enter the same;

It is therefore ORDERED, ADJUDGED, and DECREED as follows:

1. The above-captioned matter shall be re-commenced and discovery shall resume in full.
2. The Court shall, by separate order, set a date for an Initial Pretrial Conference.
3. Defendants' deadline to answer or otherwise respond to the complaint shall be February 19, 2021.
4. In the event defendants file a Rule 12 motion, the deadline for Winston's opposition shall be March 19, 2021.

DATE: 1/28/2021



United States District Judge

STIPULATED AND AGREED BY:

/s/ George E. Mastoris

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